IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

C.R. No. 2093 of 2007 (O&M)

DATE OF DECISION : 20.04.2007

Madan Lal

.... PETITIONER

Versus

Ajit Singh

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. B.R. Mahajan, Advocate,
for the petitioner.

Madan Lal tenant has filed this revision petition under Section 15 (5) of Act III of 1949, against the order dated 13.11.2003, passed by the Rent Controller as well as the judgment dated 5.3.2007, passed by the Appellate Authority, whereby he has been ordered to be ejected from the demised premises on the ground of personal necessity of the respondent-landlord.

I have heard counsel for the petitioner and gone through the impugned order as well as the judgment, passed by the courts below.

In this case, the demised premises is a shop situated near the Central Telephone Exchange, Amritsar. Initially, the shop was let out to the petitioner in the year 1976 by Kartar Singh, father of the respondent. After his death, in the family settlement, the demised shop had fallen to the share of the respondent. Thereafter, the petitioner admitted the respondent as his landlord and started making payment of rent to him.

It is case of the respondent-landlord that he was retrenched from PWD department, where he was working as a car mechanic. Thereafter, he started working with his son Balkar Singh, who was carrying on the business of repair of motor cycles. Subsequently, the respondent-

landlord filed the instant application for ejectment of the petitioner-tenant on the ground of personal necessity, while alleging that he wants to do his business in his shop, as he does not want to work at the mercy of his son. The said ejectment application has been allowed by both the courts below and it has been found as a fact that requirement of the respondent-landlord of the demised premises for his personal use is bonafide.

Counsel for the petitioner-tenant has raised only one argument that since the respondent-landlord was previously working with his son, therefore, his requirement of the demised premises for his personal necessity does not appear to be bonafide. The similar contention was raised, considered and rejected by both the courts below. I also do not find any ground to hold that the requirement of the respondent-landlord of the demised premises is not bonafide. Though the respondent was earlier working with his son at his mercy, but if he has decided to do his work independently even at later stage of life, it cannot be said that his requirement is not bonafide. Undisputedly, the respondent-landlord was working as mechanic in the PWD department and he was doing the work of scooter repairing. He has specifically stated before the trial court that he requires the demised premises to open his workshop for repairing scooters and motor cycles. Even an old man has to live with dignity. If the respondent-landlord wants to start his own business independent from his son, it cannot be said that his requirement to that effect is not bonafide. I do not find any illegality or infirmity in the impugned order and judgment, passed by both the courts below. No ground for interference in the revisional jurisdiction of this court is made out.

Dismissed.

April 20, 2007 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**